

A bill to prescribe the time of holding the district court in and for Montgomery county; and

A bill to incorporate the Buffalo Bayou, Brazos and Colorado Rail-Road company.

On motion of Mr. Brashear, the Senate adjourned.

TUESDAY, 9 o'clock, A. M. February 5th, 1850.

The Senate was called to order by the President—Senators present: Messrs. Brashear, Burleson, Cooke, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace.

The Journals of yesterday were read and adopted.

Mr. Wallace made the following report:

COMMITTEE ROOM, Feb. 5th, 1850.

Hon. JOHN A. GREER,

President of the Senate:

The committee of Conference upon the several bills, and substitute of the Senate therefor, to organize the Judicial districts therein referred to; after deliberating upon them, unanimously instructed us to recommend that Marion county be detached from the ninth district, and that no other change be made.

With the above amendments, the committee recommend the adoption of the substitute, and that the original bills be laid on the table.

B. RUSH WALLACE,

Chairman on part of Senate.

B. P. SMITH.

Chairman on part of House.

Mr. Robertson, chairman of the Select committee, to whom was referred joint resolution concerning frontier protection; reported a substitute for the same, and recommended its adoption and passage.

Mr. Robertson, chairman of the committee on Private Land Claims, to whom was referred a bill for the relief of the heirs at law of Jesse Bledsoe; reported the same back to the Senate, and recommended its passage.

Mr. Ward, from the committee on Enrolled Bills, made the following report:

COMMITTEE ROOM, Feb. 5th, 1850.
 Hon. JOHN A. GREER,

President of the Senate:

The Enrolling committee presented to the Governor, on the 4th inst., for his examination, the following bills, the same having been signed by the Speaker of the House of Representatives and President of the Senate:

A bill for the relief of Frederick Scranton.

A joint resolution for the relief of Jacob Albright.

An act to authorize Mrs. Julia Stanton to take the guardianship of her son William Ewing Stanton.

An act to authorize the Commissioner of the General Land Office, to issue a headright certificate to Guy M. Bryan.

A message was received from the House of Representatives, informing the Senate, that the House had passed a bill to authorize the Auditor and Comptroller of Public Accounts, to audit the claim of the officers and soldiers called out in 1841, against the Indians, by Brigadier Generals, Tarrant and Smith; originating in the House.

Also, the following bills, originating in the Senate, viz:

A bill to incorporate Chappel Hill College; and

A bill to incorporate the Houston Plank Road Company.

Also, the following bills of the Senate, with amendments, viz:

A bill to fix the salaries and per diem pay of officers, not otherwise provided for by law.

A bill to create the county of Marion.

A bill to organize the county of Marion; and

Joint resolution granting the right of way to the United States for a railroad to the Pacific ocean.

Also, that the House had concurred in the amendments of the Senate, to a bill for the relief of the heirs of those who fell with Fannin, Travis, Grant and Johnson, during the war with Mexico, in the year 1835 and 1836; and to a bill to authorize Judges of the District court, to hold special terms of the District courts.

Also, that the House had adopted the substitute of the Senate for the following bills, viz:

A bill supplementary to an act to apportion the Senators and Representatives of the Legislature, among the several counties of this State, according to the requirements of the Constitution, approved January, 1850; and

A bill to legalize certain headright certificates, issued by the County court of Refugio county.

Also, that the House had adopted a substitute for joint resolution instructing our Senators and requesting our Representatives

in Congress, to endeavor to secure the passage of a law, requiring the United States District court, for the district of Texas, to be held at more places than one.

Also, that the House had adopted the Senate's resolutions to adjourn, *sine die*, with an amendment.

Mr. Latimer, from the committee on Internal Improvements, to which was referred a bill declaring a portion of Caney creek, in Matagorda County, a public highway, and providing for the removal of the obstructions therein; reported the same back to the Senate and recommended its passage.

ORDERS OF THE DAY.

A bill to provide for the investigation of land titles, in certain counties therein mentioned; read third time.

Mr. Portis moved to amend the 5th section, by striking out "14th day of November, 1835," and inserting "2d day of March, 1836." Adopted, and bill passed.

The following bills were severally read a third time and passed, viz:

A bill requiring the Commissioners appointed by an act creating the county of Cherokee, approved April 11th, 1846, to deliver up certain documents and monies therein mentioned.

A bill to define the time of holding the courts in the twelfth Judicial district.

A bill to authorize the county of Harris to levy and collect a special tax, not to exceed one-half of the State tax of said county; and

A bill to prevent locations in the colonies of Austin, De Witt and De Leon.

A bill to extend the provisions of an act to provide for ascertaining the debt of the late Republic of Texas, approved March 20th, 1848; read third time.

Mr. Wallace offered the following amendment:

Sec. 1. Strike out all after "one," and insert "and if not presented by that time, said claims shall not be audited under the provisions of law now existing."

Rejected, and bill passed.

A bill to incorporate the Guadalupe Bridge Company; read third time and passed, by the following vote:

Yeas: Messrs. Brashear, Burleson, Cooke, Davis, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Pease, Phillips, Portis, Taylor, Truit, Van Derlip, Ward, Walker and Wallace

—20.

Nays: None.

Mr. Truit offered the following resolution:

"*Resolved*, That the committee on the Judiciary be requested to enquire into the expediency of establishing in each county, a board of Land Commissioners, for the purpose of investigating claims for land, not exceeding a league and labor, and which have not heretofore been investigated by the Travelling Board of Land Commissioners, for the district including the county in which the applicant resides, and that they report by bill or otherwise, as they may deem advisable."

Mr. Wallace, chairman of the committee on Enrolled Bills, made the following report:

COMMITTEE ROOM, Feb. 5th, 1850.

HON. JOHN A. GREER,

President of the Senate:

The joint committee on Enrolled Bills, have examined the following bills and joint resolutions, and find them correctly enrolled:

The bill providing for the payment of the forage, subsistence and medicine, &c., of the company of mounted volunteers, commanded by Captain Johnson, and mustered into the service of the State, by order of George T. Wood, Governor.

The joint resolution for the relief of Christopher Troute and R. M. Davis.

The bill to create the county of Wood.

The bill to define the boundaries of Limestone county.

The joint resolution granting the Hon. Fielding Jones, Judge of the tenth Judicial district, leave of absence from the State.

The joint resolution for the relief of Wm. R. Baker.

The bill to organize the county of Ellis.

The bill supplementary to an act to amend an act to create and organize the county of Panola.

The bill to amend the 4th section of an act for the regulation of Pilots, at the mouth of the Brazos river, approved March 18th, 1848.

The bill to authorize the Commissioner of the General Land Office to issue patents on certificates issued by the board of land commissioners of Robertson county, under certain restrictions.

And the substitute for the bill to incorporate the Rio Grande and Gulf of Mexico Railroad Company.

On motion of Mr. Gage, the Senate concurred in the amendment of the House to resolution relative to adjourning *sine die*.

The following bills were severally read a third time and passed, viz:

A bill for the relief of Jonathan Burleson.

A bill for the relief of John R. Baker.

A bill to create the county of Uvalde.

A bill for the relief of Wm. McMasters, late Sheriff of Brazoria county.

A bill for the relief of Greenberry Logan and Joseph Taylor.

A bill for the relief of the heirs and legal representatives of Charles Martin, dec'd.; and

A bill for the relief of Melville Langham.

Joint resolution granting the right of way to the United States for a railroad to the Pacific ocean, with amendments from the House; was read.

1st. Amendment was read.

Mr. Pease raised a question of order, whether this being a bill making appropriations for internal improvements, it did not require a vote of two-thirds, to concur in the amendments of the House.

On motion of Mr. Brashear, the Senate adjourned until half past 2 o'clock, P. M.

HALF PAST 2 O'CLOCK, P. M.

The Senate met—roll called—quorum present.

A message was received from the House of Representatives, requesting of the Senate to return to the House a joint resolution granting the right of way to the United States, for a Railroad to the Pacific ocean.

On motion of Mr. Gage, the request was granted and bill returned.

Mr. Moffett, chairman of the committee on Engrossed Bills, made the following report:

COMMITTEE ROOM, Feb. 5th, 1850.

HON. JOHN A. GREER,

President of the Senate:

The committee on Engrossed Bills have examined the following, and find them correctly engrossed, to wit:

A bill to amend an act entitled an act to establish the Galveston and Red River Railway Company.

A bill for the relief of Mrs. Isham Tooke; and

A joint resolution for the relief of A. H. Cook.

Mr. Wallace, chairman of the committee on Enrolled Bills, reported as correctly enrolled:

A bill for the relief of Jonathan Burleson; and

A bill to prevent locations in the colonies of Austin, De Witt and De Leon.

A bill to create the county of Marion, with an amendment from the House; was read.

On motion of Mr. Parker, the Senate refused to concur in the amendment.

A bill to organize the county of Marion, with an amendment from the House; was read.

On motion of Mr. Parker, the Senate refused to concur in the amendment.

Preamble and joint resolution instructing our Senators and requesting our Representatives in the United States Congress, upon the subject of the United States District Court for Texas, a substitute of the House for the Senate resolution; read first time.

On motion of Mr. Ward, the rule was suspended; resolution read second time, and referred to a Special committee.

Messrs. Ward, Brashear, Parker, Kinney and Robertson, were appointed said committee.

A message was received from the House of Representatives, informing the Senate that the House had passed a bill to incorporate the Galveston Lodge, No. 3, of Independent order of Odd Fellows; also,

Joint resolution for the relief of Samuel G. Norvell, with an amendment; also,

That the House insisted on their amendments to a bill to incorporate the Brazos, San Bernard and Oyster Creek Canal and Navigation Company, and had appointed Messrs. McKinney, Bryan and Sterne a committee of conference, and requested the appointment of a like committee on the part of the Senate.

Messrs. Pease, Portis and Cooke, were appointed said committee of conference, on part of the Senate.

The Senate concurred in the amendment of the House to a joint resolution for the relief of Sam. G. Norvell.

A bill to amend an act to raise a revenue by taxation; read second time.

Mr. Robertson moved to lay the bill on the table.

Upon which, the yeas and nays were as follows:

Yeas: Mr. Robertson—1.

Nays: Messrs. Brashear, Burleson, Cooke, Davis, Gage, Grimes, Kinney, Latimer, McRae, Moffett, Parker, Pease, Phillips, Portis, Taylor, Truit, Van Derlip, Ward, Walker and Wallace—20.

Motion to lay on the table lost.

The bill was then ordered to be engrossed.

On motion of Mr. Portis, the rule was suspended and bill read third time and passed.

A bill to authorize and require the Auditor and Comptroller to

audit and allow as a valid claim against the Republic of Texas, a debt contracted to pay the expense of the escort for General Santa Anna from Texas to Washington City; read second time and ordered to be engrossed.

Mr. Davis moved to reconsider the vote which refused to pass, on yesterday, a bill to create the office of State Translator.

Upon which the yeas and nays were called, and were as follows:

Yeas: Messrs. Brashear, Burleson, Cooke, Davis, Gage, Kinney, Moffett, Portis, Truit and Van Derlip—10.

Nays: Messrs. Grimes, Hart, Latimer, McRae, Parker, Pease, Phillips, Taylor, Ward, Walker and Wallace—11.

Refused to reconsider.

A bill to amend an act to establish the Galveston and Red River Railway Company; read third time and passed, by the following vote:

Yeas: Messrs. Brashear, Burleson, Cooke, Davis, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Pease, Phillips, Portis, Taylor, Truit, Ward, Walker and Wallace—19.

Nays: Messrs. Gage and Van Derlip—2.

Joint resolution for the relief of A. H. Cook; read third time.

Mr. Burleson moved to amend the caption, by inserting "and James Smith," after "Cook." Adopted.

Mr. Grimes moved to amend the 1st section, by inserting "and James Smith \$142 30," after "dollars."

Adopted, and resolution passed.

A bill for the benefit of the heirs of Mrs. Isham Tooke; read third time.

The yeas and nays were called on its final passage, and were as follows:

Yeas: Messrs. Burleson, Cooke, Davis, Gage, Grimes, Kinney, Latimer, McRae, Moffett, Portis, Truit, Ward and Walker—13.

Nays: Messrs. Brashear, Hart, Parker, Pease, Phillips, Taylor, Van Derlip and Wallace—8.

Rejected, two-thirds not voting for it.

A bill to incorporate the Hart's Creek Turnpike Company; read second time.

On motion of Mr. Ward, referred to a Select committee.

Messrs. Ward, Hart and McRae, were appointed said committee.

A bill to incorporate the Buffalo Bayou, Brazos and Colorado Railroad Company; read second time.

On motion of Mr. Gage, referred to the committee on the Judiciary.

A bill to prescribe the time of holding the District court in and for Montgomery county; read second time.

On motion of Mr. Grimes, referred to the committee on the Judiciary.

A bill to amend an act for the incorporation of the city of Laredo; read second time.

On motion of Mr. Gage, referred to the committee on the Judiciary.

A bill to prevent controversies originating from a conflict of patents, emanating from the State of Texas; read.

On motion of Mr. Gage, laid on the table.

A bill for the relief of John Beeman, John S. Beeman, James J. Beeman and John N. Bryan; read.

Mr. Walker offered the following proviso:

"Provided that the proper evidence accompanying the field notes of said J. N. Bryan's survey, that it does not interfere with the survey made in the name of John Grigsby for twenty-six labors of land; and provided further, that the proper evidence accompanying the field notes of the survey No. 1, letter A, for 320 acres of land, in the name of John Beeman; that the question of occupancy of the land by another person, at the time said survey was made, has been properly settled between the parties, according to law."

Adopted, by the following vote:

Yeas: Messrs. Gage, Grimes, Kinney, Latimer, Parker, Portis, Truit, Ward, Walker and Wallace—10.

Nays: Messrs. Burleson, Moffett, Pease, Phillips and Van Derlip—5.

The bill was then passed to a third reading, by the following vote:

Yeas: Messrs. Brashear, Burleson, Cooke, Davis, Grimes, Kinney, Latimer, McRae, Parker, Portis, Truit, Ward, Walker and Wallace—14.

Nays: Messrs. Gage, Moffett, Pease, Phillips and Van Derlip—5.

On motion of Mr. Phillips, a bill to prevent controversies originating from a conflict of patents, emanating from the State of Texas, was taken up.

Mr. Phillips offered the following amendments:

In the caption, 3d line after the words "from the," insert "Republican or."

In 1st section, 4th line, after the word "issued," insert "by the Republic or State of Texas."

Adopted, and bill ordered to be engrossed.

On motion of Mr. Gage, the rule was suspended; bill read third time and passed.

Mr. Moffett introduced a bill to amend the 3d section of an act to amend the first, third and seventh sections of the act to define the time of holding the District courts in the several Judicial districts of the State of Texas, approved February 19, 1848; read first time.

A bill to establish the salaries and *per diem* pay of officers not otherwise provided for by law, with amendments from the House; read.

The Senate refused to concur in the first amendment.

The yeas and nays were called on the second amendment, striking out \$600 and inserting \$750 for pay of Clerks in General Land Office, and were as follows:

Yeas: Messrs. Brashear, Cooke, Davis, Portis, Robertson and Van Derlip—6.

Nays: Messrs. Burleson, Gage, Grimes, Latimer, McRae, Moffett, Parker, Pease, Phillips, Taylor, Truit, Ward, Walker and Wallace—14.

Refused to concur.

The yeas and nays were called on the third amendment, striking out \$ and inserting \$ for salary of principal Draftsman in General Land Office, and stood thus:

Yeas: Messrs. Brashear, Cooke, Davis, Gage, Phillips, Taylor, Van Derlip and Ward—8.

Nays: Messrs. Burleson, Grimes, Latimer, McRae, Moffett, Parker, Pease, Portis, Robertson, Walker and Wallace—11.

Refused to concur.

The Senate refused to concur in the fourth amendment, striking of \$ for salary of assistant Draftsman, and inserting \$

The Senate refused to concur in the fifth amendment, striking out \$ and inserting \$ for salary of Comptroller.

The Senate refused to concur in the sixth amendment, striking out \$600, and inserting \$800 for salary of Clerk in Comptroller's Office.

The yeas and nays were called on the seventh amendment, striking out \$1000, and inserting \$1200, for salary of Treasurer, and were as follows:

Yeas: Messrs. Brashear, Cooke, Davis, Gage, Kinney, Moffett, Portis, Robertson and Van Derlip—9.

Nays: Messrs. Burleson, Grimes, Hart, Latimer, McRae,

Parker, Pease, Phillips, Taylor, Truit, Ward, Walker and Wallace—13.

Refused to concur.

The Senate refused to concur in the amendment striking out \$600, and inserting \$750, for salary of Clerk in the State Department; and striking out \$600, and inserting \$750, for salary of Governor's Private Secretary.

The yeas and nays were called on the amendment, making \$3 per diem, the pay of members of the Legislature, and were as follows:

Yeas: Messrs. Davis, Portis and Robertson—3.

Nays: Messrs. Brashear, Burleson, Cooke, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Pease, Phillips, Taylor, Truit, Van Derlip, Ward, Walker and Wallace—19.

Refused to concur.

The Senate also, refused to concur in the amendments, striking out \$3 per day, and inserting \$5, for pay of Chief Clerk of the House and Secretary of the Senate; and striking out \$3, and inserting \$4 per day, for pay of other Clerks of the Legislature; and also, refused to concur in the amendment, giving \$4 per day to Sergeant-at arms and Door-keepers of both Houses.

On motion of Mr. Van Derlip, a committee of Conference was appointed on said bill.

Messrs. Van Derlip, Pease and Cooke, were appointed said committee.

Mr. Walker moved to reconsider the vote which rejected a bill to create the office of State Translator.

The President decided the motion out of order.

Mr. Portis appealed from the decision.

On motion of Mr. Pease, the Senate adjourned.

WEDNESDAY, 9 o'clock, A. M. February 6, 1850,

The Senate was called to order by the President—Senators present: Messrs. Brashear, Burleson, Davis, Gage, Grimes, Hart, McRae, Moffett, Parker, Pease, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace.

The journals of yesterday were read and adopted.

Mr. Van Derlip from the Judiciary committee, to which was referred a bill to amend an act for the incorporation of the city of Laredo, and a bill to prescribe the time of holding the District